

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

STEVE W. TUBBY

§

VS.

§

CIVIL ACTION NO. 1:04cv499

BUREAU OF PRISONS, ET AL

§

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Steve W. Tubby, an inmate confined at the Federal Correctional Institution at Milan, Minnesota, proceeding *pro se*, filed the above-styled lawsuit against the Bureau of Prisons, Phillip T. Williams, Jr., R.A. Smith, M.D. Morrison, R. Martinez, Ronald G. Thompson and Harrell Watts. The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court.

The defendants filed a joint motion for summary judgment. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the motion be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. Plaintiff filed a letter (doc. no. 34) which the court will liberally construe as objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion the objections are without merit.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is

ADOPTED. The defendants' motion for summary judgment is **GRANTED**. A final judgment will be entered dismissing this lawsuit.

So **ORDERED** and **SIGNED** this **23** day of **August, 2007**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge